

RESOLUTION NO. 20080131-042

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire certain real property interests for public purposes as set out below; and

WHEREAS, the City of Austin has attempted to purchase those needed real property interests but has been unable to agree with the owner on the fair market value thereof; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Austin against the owner now having, or who may acquire, an interest in the real property interests needed by the City, described and located below, for the public purposes set out below, and to take whatever other action may be deemed appropriate to economically effect the needed acquisitions.

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owner: Bishop John C. McCarthy and his successors in office

Project: Govalle 4 – Waller Pedernales Wastewater Improvement Project, a portion of the Austin Clean Water Program

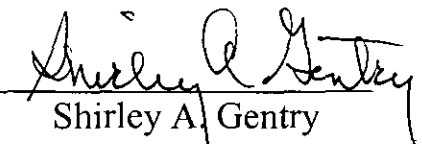
Intended Purpose: the permanent wastewater line easement described in the attached Exhibit "A" is necessary to install, operate, maintain, repair, replace, and upgrade permanent wastewater lines and appurtenances thereto, in order to increase and improve the City's ability to provide sanitary sewer services to the public, to prevent leakage from wastewater lines to protect public health and safety, and to comply with a federal mandate; and

the temporary working space easement described in the attached Exhibit "B" is necessary to install the permanent wastewater lines and appurtenances thereto in the permanent wastewater line easement described in the attached Exhibit "A."

Location: 108 Mildred Street, Austin, Texas 78704

Property: Described in the attached and incorporated Exhibits A and B.

ADOPTED: January 31, 2008

ATTEST: 
Shirley A. Gentry
City Clerk

Field Notes for Parcel 5109.43 WE

DESCRIBING 0.081 FOR AN ACRE OF LAND (3,511 SQUARE FEET), IN THE CITY OF AUSTIN TRAVIS COUNTY, TEXAS, BEING A PART OF LOT 11 OF THE JONES SUBDIVISION OF OUTLOT NO. 25, DIVISION "O" IN THE CITY OF AUSTIN A SUBDIVISION RECORDED IN BOOK 2 PAGE 218 OF THE PLAT RECORDS OF SAID COUNTY, SAID LOT 11 BEING DESCRIBED IN A WARRANTY DEED TO BISHOP JOHN C. MCCARTHY EXECUTED ON DECEMBER 11, 1987 AND RECORDED IN VOLUME 10852 PAGE 1054 OF THE REAL PROPERTY RECORDS OF SAID COUNTY, SAID 0.081 OF AN ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING at a nail set at the southwest corner of said Lot 11, same being in the west right-of-way line of Mildred Street (50' R.O.W. dedicated by said Book 2 Page 218) and at the northeast corner of Lot 12 of said Jones Subdivision, and from which an iron rod found bears S69°52'25"E, 50.32 feet and an iron pipe found bears S70°06'40"E, 49.84 feet, said iron rod found and said iron pipe found being at or near the northwest corner of Lot 3 of said Jones Subdivision, said POINT OF BEGINNING, being the southeast corner of the herein described tract of land, having Texas State Plane Grid Coordinates (Texas Central Zone, NAD 83 HARN, U.S. feet) values of N: 10,066,425.61 E:3,121,878.84:

THENCE, with the south line of said Lot 11, same being the north line of Lots 12, 13 and 14 of said Jones Subdivision, N69°14'04"W, 127.23 feet to a nail set at the southwest corner of said Lot 11, same being the northwest corner of said Lot 14 and the northeast corner of Lot 6, James R. Hamilton Subdivision of S.W. Quarter of Outlot No. 25 Division "O" of the City of Austin, a subdivision recorded in Volume 329 Page 163 of the Deed Records of said County said point being further described as being an interior corner of that certain tract of land described in a Affidavit of Heirship for Manuel H. Arriago to Vidalina R. Arriaga as recorded in Document Number 2003268786 of the Official Public Records of said County and from which an iron pipe found at the southeast corner of said Arriaga tract bears S69°14'04"E, 4.62 feet to a point and S20°23'47"W, 131.97 feet;

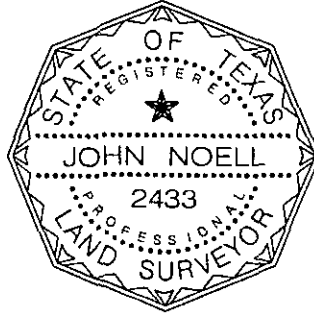
THENCE, with the west line of said Lot 11, N20°24'03"E, 27.19 feet to a nail set in the east line of Lot 7 of said Hamilton Subdivision;

THENCE, through the interior of said Lot 11, S69°35'56"E, 127.23 feet to a nail set in said line of Mildred Street, same being the east line of said Lot 11;

THENCE, with the common line of said Lot 11 and Mildred Street, S20°24'04"W, 28.00 feet to the POINT OF BEGINNING and containing 0.081 of an acre of land.

Bishop John C. McCarthy
to City of Austin
(Wastewater Easement)
Page 2 of 2

Prepared by:
URBAN DESIGN GROUP
3660 Stoneridge Road, # E101
Austin, Texas 78746
(512) 347-0040




John Noell, R.P.L.S. #2433

Date: 2-02-07

Revised 3-16-07

Map attached.

Bearing Basis: Texas State Plane Coordinate System, NAD 83, Texas Central Zone

References: TCAD 02 0210 0106
Austin Grid MK21

U.D.G. #04-305
F.N. #785

Bearing Basis Note

The bearings described herein are Texas State Plane Grid Coordinates and Bearings (Central Zone 4203, NAD 83 HARNS Datum. Central Points were established from reference point "TXAU" Coordinated Values N: 10,086,515.89 E: 3,109,682.48 and "EZAU" Coordinate Values N: 10,049,633.34 E: 3,116,718.88

FIELD NOTES REVIEWED

By:  Date: 3-28-07

Austin Clean Water Program
Survey Coordinator

LEGEND

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 D.R.T.C.T.
 R.P.R.T.C.T.
 P.R.T.C.T.
 P.O.B.
 O.P.R.T.C.T.

NAIL SET
 AREA OF EASEMENT
 RECORD DATA
 PROPERTY LINE
 DEED RECORDS TRAVIS CO. TX.
 REAL PROPERTY RECORDS TRAVIS CO., TX.
 PLAT RECORDS TRAVIS CO., TX.
 POINT OF BEGINNING
 OFFICIAL PUBLIC RECORDS TRAVIS CO., TX.

IRF IRON ROD FOUND
 IPF IRON PIPE FOUND

1" = 30'

J.R. HAMILTON SUBDIVISION
 VOL 239, PAGE 163
 D.R.T.C.T.

LOT 8
 TCAD #02021001020000
 ROMAN CATHOLIC DIOCESE
 OF AUSTIN, TEXAS
 LOTS 7-12
 VOL 9601 PG 691
 R.P.R.T.C.T.

LOT 7
 TCAD #02021001050000
 ROMAN CATHOLIC DIOCESE
 OF AUSTIN, TEXAS
 VOL 10852 PG 1054
 R.P.R.T.C.T.

5109.43 WE
 0.081 OF AN ACRE
 3511 SQ. FT.

15' ALLEY

LOT 6
 TCAD #02021001110000
 ARRIAGA, VIDALINA R
 (LOT 6, J.R. HAMILTON
 SUBDIVISION &
 JONES' SUBDIVISION OF THE
 NW & SE QUARTERS OF
 OUTLOT 25, DIVISION "O"
 DOC. # 2003268786
 O.P.R.T.C.T.

LOT 14
 TCAD #02021001100000
 MARTINEZ, CENOBIO
 2226 E CESAR CHAVEZ ST
 AUSTIN TX 78702-4602
 WEST 2.45' OF LOT 13 &
 EAST 37.83' OF LOT 14
 VOL. PG
 R.P.R.T.C.T.

LOT 13
 LOT 12
 TCAD #02021001090000
 NOACK, SIBYL JO
 2000 YAUPON VALLEY ROAD
 AUSTIN TX 78746-3436
 LOT 12 & EAST 40' OF LOT 13
 VOL 10426 PG 740
 R.P.R.T.C.T.

JONES' SUBDIVISION OF THE
 NW & SE QUARTERS OF
 OUTLOT 25, DIVISION "O"
 VOL 2, PAGE 218
 P.R.T.C.T.

P.O.B
 N: 10,066,425.61
 E: 3,121,878.84
 GRID COORDINATES

MILDRED STREET
 (50' R.O.W.)
 S70°06'40"E
 49.84' NTS
 S69°52'25"E
 50.32' NTS
 IRF
 IPF

Exhibit "A"

Page 3 of 3

Field Notes for Parcel 5109.43 TWSE

DESCRIBING 0.044 OF AN ACRE OF LAND (1,908 SQUARE FEET), IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PART OF LOT 11 OF THE JONES SUBDIVISION OF OUTLOT NO. 25, DIVISION "O" IN THE CITY OF AUSTIN, A SUBDIVISION RECORDED IN BOOK 2 PAGE 218 OF THE PLAT RECORDS OF SAID COUNTY, SAID LOT 11 BEING DESCRIBED IN A WARRANTY DEED TO BISHOP JOHN C. MCCARTHY EXECUTED ON DECEMBER 11, 1987 AND RECORDED IN VOLUME 10852 PAGE 1054 OF THE REAL PROPERTY RECORDS OF SAID COUNTY, SAID 0.044 OF AN ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a nail set in the east line of said Lot 11, same being the west right-of-way line of Mildred Street (50' R.O.W. dedicated by said Book 2 Page 218), from which a nail set at the southeast corner of said Lot 11 bears S20°24'04"W, 28.00 feet, said POINT OF BEGINNING being the southeast corner of the herein described tract of land, having Texas State Place Grid Coordinates (Texas Central Zone, NAD 83 HARN, U.S. feet) values of N: 10,066,451.86 and E: 3,121,888.60

THENCE, through the interior of said Lot 11, N69°35'56"W, 127.23 feet to a nail set in the west line of said Lot 11, same being in an east line of said Lot 7, James R. Hamilton Subdivision of S.W. Quarter of Outlot No. 25 Division "O" of the City of Austin, a subdivision recorded in Volume 239 Page 163 of the Deed Records of said County;

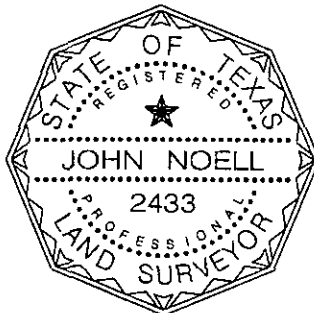
THENCE, with the common line of said Lot 11 and said Lot 7, N20°24'03"E, 15.00 feet to a calculated point, from which an iron rod found at the northwest corner of Lot 9 of said Jones Subdivision bears N20°24'03"E, 107.79 feet;

THENCE, through the interior of said Lot 11, S69°35'56"E, 127.23 feet to a calculated point in said line of Mildred Street, from which an iron pipe found at the northeast corner of said Lot 9 bears N20°24'04"E, 106.51 feet;

THENCE, with said line of Mildred Street, S20°24'04"W, 15.00 feet to the POINT OF BEGINNING and containing 0.044 of an acre of land.

Bishop John C. McCarthy
To City of Austin
(Temporary Working Space Easemnt)
Page 2 of 2

Prepared by:
URBAN DESIGN GROUP
3660 Stoneridge Road, # E101
Austin, Texas 78746
(512) 347-0040




John Noell, R.P.L.S. #2433

2-02-07

Date:

Revised 3-16-07

Map attached.


References: TCAD 02 0211 0525
Austin Grid MK21

U.D.G. #04-305
F.N. #786

Bearing Basis Note

The bearings described herein are Texas State Plane Grid Coordinates and Bearings (Central Zone 4203, NAD 83 HARNS Datum. Central Points were established from reference point "TXAU" Coordinated Values N: 10,086,515.89 E: 3,109,682.48 and "EZAU" Coordinate Values N: 10,049,633.34 E: 3,116,718.88

FIELD NOTES REVIEWED

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Austin Clean Water Program
Survey Coordinator

